

REMARKS

Claim 76 has been amended. Claims 79-105 have been cancelled. Upon entry of this paper, claim 76 will be pending and under consideration.

Claim 76, step (a) has been amended to recite the step of “providing a molecular model comprising one or more target regions selected from the group consisting of the peptidyl transferase site, the A-site, the P-site, the E-site, the elongation factor binding domain, the polypeptide exit tunnel, and the signal recognition particle (SRP) binding domain, from the atomic co-ordinates for *Haloarcula marismortui* large ribosomal subunit found on Disk 1 under file names 1ffk.doc or 1ffk.ent or on Disk 2 under file names 1jj2rtf or 1jj2.txt, or a large ribosomal subunit derived from said *Haloarcula marismortui* atomic co-ordinates by molecular modeling.” Step (b) of claim 76 has been amended to recite the step of “using the molecular model to identify a candidate molecule that can bind to said one or more target regions in the molecular model.” Support for the amendments may be found, for example, in claims 76, 88, 90, 92, and 94, and on page 31, line 20 - page 32, line 7, page 35, lines 12-17, and page 140, lines 5, 6, 15 and 16 of the application as originally filed. Applicants believe that the amendments introduce no new matter.

The undersigned wishes to thank Examiners Mahatan and Allen for the courtesy extended during an in-person interview, which took place at the Office on April 6, 2004. In addition, the undersigned wishes to thank the Examiners for their insightful comments during the interview about the rejections outstanding in the above-identified patent application. The interview participants included Examiners Mahatan and Allen, Dr. Sabatelli, in-house patent counsel at Rib-X Pharmaceuticals (an exclusive licensee of the application), Dr. Engelman, a member of the National Academy of Sciences and the Eugene Higgins Professor of Molecular Biophysics and Biochemistry at Yale University (the assignee of the application), and the undersigned. During the interview, the Office was informed that Professor Engelman is an unpaid scientific consultant for Rib-X, has a minor equity stake in the company, and is related to its President and CEO. During the interview, the rejection of claim 76, potential claim amendments to claim 76, and the potential withdrawal of the finality of the rejection via filing a Request for Continued

Examination was discussed. The substance of the interview is incorporated throughout this paper.

The outstanding objections and rejections are discussed in the order in which they appear in the Office Action.

Rejection Under 35 U.S.C. §112, First Paragraph

According to the outstanding Office Action, claims 76 and 79-105 presently stand rejected under 35 U.S.C. §112, first paragraph for allegedly failing to comply with the written description requirement. Claims 79-105 have been cancelled thereby rendering this rejection moot. Applicants respectfully traverse this rejection to the extent that it is maintained against 76.

In particular, claim 76 has been rejected on the grounds that the phrase “identify a candidate molecule capable of having binding specificity for the ribofunctional locus” allegedly constitutes new matter. Although Applicants disagree with this statement and the Office’s position that a person skilled in the art “would not have known or understood what is considered ‘capable of having binding specificity for the ribofunctional locus’ in the absence of a definition,” in order to promote prosecution, Applicants have amended claim 76 to remove this language. Applicants submit that the proposed new language is supported by the application as originally filed.

Claim 80 has been rejected on the grounds that the phrase “repeating step (b) to identify a modified molecule” allegedly constitutes new matter. Although Applicants disagree, Applicants have cancelled claim 80 thereby rendering the rejection moot. In view of the foregoing, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Rejection Under 35 U.S.C. §112, Second Paragraph

According to the outstanding Office Action, claims 76 and 79-105 presently stand rejected under 35 U.S.C. §112, second paragraph for allegedly failing to point out and distinctly claim the subject matter which Applicants regard as their invention. Claims 79-105 have been cancelled rendering this rejection moot. Applicants respectfully traverse this rejection to the extent that it is applied against claim 76.

In particular, claim 76 presently stands rejected on the grounds that the language “capable of having binding specificity for the ribofunctional locus” allegedly is vague and indefinite. Although Applicants disagree, Applicants have amended claim 76 to remove this language. In addition, claim 83 presently stands rejected on the grounds that the language “the additional step of producing the candidate molecule” is not clear. Although the Applicants disagree, Applicants have cancelled claim 83 thereby rendering the rejection moot.

In view of the foregoing claim amendments and cancellations, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Objection to the Disclosure

According to the outstanding Office Action, the disclosure is objected to because of a typographical error appearing on page 140, line 13 of the application as filed.

Applicants wish to thank Examiner Mahatan for a very thorough reading of the application and for identifying this typographical error. Applicants have amended the title appearing on page 140, line 13 to read “Disk No. 2 of 3” rather than “Disk No. 2 of 2.” In view of the foregoing amendment, Applicants respectfully request that this objection be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe that the case is in condition for immediate allowance. Early favorable action is respectfully solicited. The Examiner is invited to contact the undersigned with any questions about this paper.

Respectfully submitted,



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